

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

MDL No. 1:13-md-2419

Judge Rya Zobel

This Document Relates to:

Fredia Berry, et al. v. Ameridose, et al.
No. 1:13-cv-12838

**PLAINTIFF FREDIA BERRY'S FIRST SET OF REQUESTS FOR
ADMISSIONS TO THE SAINT THOMAS DEFENDANTS**

Plaintiff Fredia Berry, pursuant to Federal Rules of Civil Procedure 26 & 34, respectfully propounds these requests for admissions to the Saint Thomas Defendants (as defined below), to be answered within the time prescribed by law or an Order of this Court.

DEFINITIONS

As used herein, the following terms mean:

"Saint Thomas Defendants" or "Defendants" means collectively and individually: Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic A Professional Corporation; John Culclasure, M.D.; Debra Schamberg, R.N.; Saint Thomas West Hospital, formerly known as St. Thomas Hospital; Saint Thomas Health; and/or Saint Thomas Network; including their agents, representatives, and/or employees.

"You" or "your" refer to the Saint Thomas Defendants, collectively and individually.

"NECC" means New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center.

“MPA” means methylprednisolone acetate.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that Fredia Berry received an injection of MPA from Lot #05212012@68, BUD 11/17/2012, compounded by NECC.

REQUEST FOR ADMISSION NO. 2:

Admit that Fredia Berry received an injection of MPA from Lot #06292012@26, BUD 12/26/2012, compounded by NECC.

REQUEST FOR ADMISSION NO. 3:

Admit that Fredia Berry received an injection of MPA from Lot #08102012@51, BUD 2/6/2013, compounded by NECC.

REQUEST FOR ADMISSION NO. 4:

Admit that Lot #05212012@68, BUD 11/17/2012 was contaminated with fungus.

REQUEST FOR ADMISSION NO. 5:

Admit that Lot #06292012@26, BUD 12/26/2012 was contaminated with fungus.

REQUEST FOR ADMISSION NO. 6:

Admit that Lot #08102012@51, BUD 2/6/2013 was contaminated with fungus.

REQUEST FOR ADMISSION NO. 7:

Admit that Fredia Berry’s fungal infection was caused by contaminated MPA injection administered at Saint Thomas Outpatient Neurosurgical Center.

REQUEST FOR ADMISSION NO. 8:

Admit that there is no cause for Fredia Berry’s fungal infection other than the contaminated MPA injected into her at Saint Thomas Outpatient Neurosurgical Center.

REQUEST FOR ADMISSION NO. 9:

Admit that the fungal infection caused by receiving contaminated MPA at Saint Thomas Outpatient Neurosurgical Center caused damages to Fredia Berry.

REQUEST FOR ADMISSION NO. 10:

Admit that no defendant created or signed a patient-specific prescription for the MPA injections received by Fredia Berry.

REQUEST FOR ADMISSION NO. 11:

Admit that Saint Thomas Outpatient Neurosurgical Center charged money for the MPA injected into Fredia Berry at Saint Thomas Outpatient Neurosurgical Center.

REQUEST FOR ADMISSION NO. 12:

Admit that no defendant informed Fredia Berry that she was being injected with compounded MPA.

REQUEST FOR ADMISSION NO. 13:

Admit that Fredia Berry was never given the choice between being injected with compounded MPA and MPA manufactured by an FDA-approved drug manufacturer.

REQUEST FOR ADMISSION NO. 14:

Admit that no defendant ever informed Fredia Berry that she was being injected with MPA compounded by NECC.

REQUEST FOR ADMISSION NO. 15:

Admit that no defendant ever informed Fredia Berry that she was being injected with MPA that contained no preservatives.

REQUEST FOR ADMISSION NO. 16:

Admit that no defendant ever informed Fredia Berry that she was receiving an injection

of MPA that was compounded by a compounding pharmacy.

REQUEST FOR ADMISSION NO. 17:

Admit that no defendant ever informed Fredia Berry that the MPA she was being injected with was not manufactured by an FDA-approved and FDA-regulated drug manufacturer.

REQUEST FOR ADMISSION NO. 18:

Admit that no defendant ever informed Fredia Berry that the compounder of the MPA being injected into her was compounded by a pharmacy that was not licensed as a drug manufacturer.

Dated: November 25, 2015

Respectfully submitted,

/s/ Benjamin A. Gastel

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CERTIFICATE OF SERVICE

I, Benjamin A. Gastel, hereby certify that on the 25th day of November, 2015, the foregoing document was served via hand delivery (*), electronic mail (**), and/or U.S. Mail, postage prepaid, on the following counsel:

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